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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/676,659	09/30/2003	David L. Chavez	4366-157	8989
48500 7590 03/22/2007 SHERIDAN ROSS P.C. 1560 BROADWAY, SUITE 1200 DENVER, CO 80202			EXAMINER NGUYEN, HANH N	
			ART UNIT	PAPER NUMBER
			2616	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		03/22/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/676,659

Applicant(s)

CHAVEZ ET AL.

Examiner

Hanh Nguyen

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Application filed on 9/30/03.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8/24/04; 2/25/05</u> | 6) <input checked="" type="checkbox"/> Other: <u>IDS filed on 4/8/05</u> |

DETAILED ACTION

Specification

The abstract of the disclosure is objected to because the abstract includes "J:\4366\157\Patent App.doc" in a separate paragraph which is not relate to the invention. Therefore, it is required that the "J:\4366\157\Patent App.doc" is deleted. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

the disclosed invention is inoperative and therefore lacks utility.

Regarding claim 1, "a computational component" on line 1 is not statutory because it fails to provide a computer readable medium storing instructions, when executed by a processor, cases the processor to perform the method.

Claim Objections

Claims 3 and 28 are objected to because of the following informalities:

Regarding claim 3, it is suggested that "from" on line 1 be changed to "to".

Regarding claim 28, it is suggested that: "means" on lines 3 and 5 should be deleted. A comma "," should be inserted on line 4 after "controlling" and line 6 after "client" respectively for clarification. Appropriate correction is required. Further, to what the "first channel state information" on line 7 is referred to?

Claims 29-31 are rejected because they depend on claim 28 respectively.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-31 are rejected under 35 USC 102(e) as being anticipated by Dalgic et al. (US pat. 6,925,076 B1).

In claims 1, 2, 19 and 20, Dalgic et al. discloses a method comprising generating in a first call controller (see fig.1, gate controller 104) call state information (see fig.2A&2B; col.4, lines 25-34 and col.6, lines 5-17; Gate controller 104 establishes a call request including registration, admission, and status); creating at least a first file containing a representation of at least some of said generated first call state information and providing said at least a first file to a first client (see fig.1, col.4, lines 34-39; gate controller stores the call state information in edge router 106).

In claim 12, Dalgic et al. discloses a system for providing redundant call state information (system shown in fig.1 comprising a first gate controller 104 and a second gate controller 118, wherein call state information is stored in edge router 106; see col.4, lines 25-60), comprising: a first communication endpoint, including first data storage (see col.4, lines 34-38; edge router 106 stores call state information); a first call controller in communication with said first communication endpoint (see col.4, lines 25-30; gate controller 104 communicates to the edge router 106 to provide RAS services), wherein call state information is provided by said first call controller to said first communication endpoint, and wherein said call state information is stored in at least said first data storage (see fig. 1, col.4, lines 34-39; gate controller stores the call state information in edge router 106).

In claim 28, as disclosed in claims 1, 12 and 19, Dalgic et al. similarly discloses a system for providing redundant signaling information, (system shown in fig.1 comprising a first gate controller 104 and a second gate controller 118, wherein call state information is stored in edge router 106; see col.4, lines 25-60), comprising: first means (gate controller 104) for controlling features associated with a communication channel (see fig.2A&2B; establishing call in response to a call request); first communication client (telephone 110); means (edge router 106) for interconnecting said first means (gate controller 104) for controlling to said first communication client (telephone 110); and means for storing in said first communication client communication channel state information, wherein first channel state information is stored in said means for storing (see col.4, line 32-38; edge router 106 stores call state information associated with call from telephone 110).

In claim 7, Dalgic et al. discloses establishing a call (see fig.2A&2B; establishing a call) between said first client (see fig.1; terminal adapter 108 associated with telephone 110) and a second client (see fig.1; terminal adapter 112 associated with telephone 124).

In claims 8, 9, 10, 11, 16, 17 and 21, Dalgic et al. discloses the first client is media gateway (see col.4, lines 16-20); a communication endpoint (col.3, lines 62-67; video client device); computer readable storage medium containing instructions (col.3, lines 62-67; personal computer); IP phone (IP phone; see col.3, lines 62-67);

In claim 15, Dalgic et al. discloses IP network (see fig.1, and col. 2, lines 25-40; Ip telephone 110 requests a call through media adapter 108 and packet based network 112).

In claim 18, Dalgic et al. discloses real-time call controller (the invention supports multimedia conferencing by using multimedia adapters and H.323 signaling).

In claims 3 and 23, Dalgic et al. discloses establishing a call signaling channel (see fig.2A&2B; see col.6, line 60 to col.7, line 17) between said first call controller (gate controller 104) and said first client (edge router 106); losing said call signaling channel (see col.9, lines 14-18; the gate controller 104 fails); generating in said first client a request for service from a second call controller (see col.9, lines 28-32; a second gate controller 118 provides services previously provided by the gate controller 104); and providing said at least a first file to said second call controller (see col.9, lines 31-37; retransmit pending requests to the second gate controller 118).

In claims 4, 13, 24 and 30, Dalgic et al. discloses said providing said at least a first file to said second call controller is performed after receiving at said first client a query from said second call controller for said at least a first file (see col.9, lines 27-36; second gate controller

118 monitors gate controller 104 and upon the failure, sends a message to edge router 106 indicating the the gate controller 104 has failed. Edge router 106 retransmits pending requests to the second gate controller 118).

In claim 5, Dalgic et al. discloses a first file including most recent call state information (see col.9, lines 27-35; services previously provided by the gate controller 104).

In claims 6, 22 and 26, Dalgic et al. discloses as each message is relayed between edge routers 106 and 120, call state information is updated as appropriate in the edge router. The updated call state information includes generating in said first call controller second call state information; creating at least a second file containing a representation of at least some of said generated second call state information; and providing said at least a second file to said first client.

In claims 25 and 31, Dalgic et al. discloses establishing a first communication channel (establishing an admission request, see fig.2A&2B) between said first communication endpoint (see fig.1; telephone 110) and a second communication endpoint (telephone 124); and providing second call state information to said second communication endpoint (see col.7, lines 28-35; fig.2A, step 208; controller 118 selects edge router 120 and forwards the lookup request to the edge router 120).

In claim 27, the limitation of this claim has been addressed in claims 19 and 25.

In claim 29, the limitation of this claim has been addressed in claims 1, 19 and 28.

In claim 14, Dalgic et al. discloses, in fig.2B, a second communication endpoint (edge router 120), wherein said call state information is related to a communication channel established

(fig.2B, step 262; call established) between said first and second communication endpoints(between routers 106 and 120).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

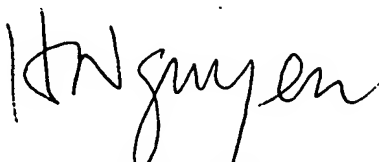
Shaffer et al. (Us Pat. 6,738,343 B1).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh Nguyen whose telephone number is 571 272 3092. The examiner can normally be reached on Monday-Thursday from 8:30 to 4:30. The examiner can also be reached on alternate

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn Feild, can be reached on 571 272 2092. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hanh Nguyen



**HANH NGUYEN
PRIMARY EXAMINER**